

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

OTIS BROOKS, :
: :
Petitioner :
: :
VS. :
: :
UNITED STATES OF AMERICA, : NO. 5:01-CR-14 (HL)
: :
Respondent : **O R D E R**

Before the Court is petitioner **OTIS BROOKS'** motion for a Certificate of Appealability (“COA”). Petitioner seeks to appeal the judgment of this Court denying his application for habeas relief under 28 U.S.C. § 2255. Under section 2253(c)(2), a COA may issue only if the applicant makes “a substantial showing of the denial of a constitutional right.” This requires a petitioner to demonstrate that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *See also Slack v. McDaniel*, 529 U.S. 473, 478 (2000).

For the reasons stated in Magistrate Judge’s recommendation and this Court’s order accepting the same, the Court finds reasonable jurists could not find that a dismissal of petitioner’s claims was debatable or wrong. Accordingly, it is hereby **ORDERED** that petitioner’s application for a COA be **DENIED**.

SO ORDERED, this 5th day of May, 2009.

s/ *Hugh Lawson*
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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